

**CHAPTER 18—AIR-WARNING SCREEN**

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**§ 491. Establishment and development of land-based air warning and control installations and facilities; extent of appropriation; procurement of communication services**

The Secretary of the Air Force is authorized to establish and develop within and without the continental limits of the United States in fulfilling the air defense responsibilities of the Department of the Air Force such land-based air warning and control installations and facilities, by the construction, installation, or equipment of temporary or permanent public works, including buildings, facilities, appurtenances, utilities, and access roads, and to provide for necessary administration and planning therefor, without regard to section 3324(a) and (b) of title 31, as he may deem necessary in the interest of national security: *Provided*, That not to exceed \$85,500,000 shall be appropriated for the construction of public works authorized by this section.

The Secretary of the Air Force is authorized to procure communication services required for the semiautomatic ground environment system. No contract for such services may be for a period of more than ten years from the date communication services are first furnished under such contract. The aggregate contingent liability of the Government under the termination provisions of all contracts authorized hereunder may not exceed a total of \$222,000,000 and the General Accounting Office shall have access to such carrier records and accounts as it may deem necessary for the purpose of audit. In procuring such services, the Secretary of the Air Force shall utilize to the fullest extent practicable the facilities and capabilities of communication common carriers, including rural telephone cooperatives, within their respective service areas and for power supply, shall utilize to the fullest extent practicable, the facilities and capabilities of public utilities and rural electric cooperatives within their respective service areas. Negotiations with communication common carriers, including cooperatives, and representation in proceedings involving such carriers before Federal and State regulatory bodies where such negotiations or proceedings involve contracts authorized by this paragraph shall be in accordance with the provisions of sections 501–505 of title 40.

(Mar. 30, 1949, ch. 41, § 1, 63 Stat. 17; Aug. 3, 1956, ch. 939, title III, § 303, 70 Stat. 1012; Pub. L. 97–214, § 10(b)(4), July 12, 1982, 96 Stat. 175; Pub. L. 104–316, title I, § 128(a), Oct. 19, 1996, 110 Stat. 3841.)

**CODIFICATION**

“Section 3324(a) and (b) of title 31” substituted in text for “section 3648 of the Revised Statutes (31 U.S.C. 529)” on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In text, “sections 501–505 of title 40” substituted for “section 201 of the Act of June 30, 1949, as amended (40 U.S.C.A. sec. 481)” on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**AMENDMENTS**

1996—Pub. L. 104–316, in third sentence of second par., struck out “no termination payment shall be final until audited and approved by” after “\$222,000,000 and”, struck out “which” after “Office”, and inserted “of audit” after “for the purpose”.

1982—Pub. L. 97–214 struck out reference to sections 1136 [10 U.S.C. 4774, 9774] and 3734 [40 U.S.C. 259, 267] of the Revised Statutes.

1956—Act Aug. 3, 1956, authorized procurement of communication services required for the semiautomatic ground environment system.

**EFFECTIVE DATE OF 1982 AMENDMENT**

Amendment by Pub. L. 97–214 effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing, authorized before, on, or after such date, see section 12(a) of Pub. L. 97–214, set out as an Effective Date note under section 2801 of Title 10, Armed Forces.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 492 of this title.

**§ 492. Acquisition of land**

In furtherance of section 491 of this title, the Secretary of the Air Force is authorized to make surveys and to acquire lands and rights pertaining thereto or other interests therein, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise, and to place permanent and temporary improvements thereon whether such lands are held in fee or under lease, or under other temporary tenure.

(Mar. 30, 1949, ch. 41, § 2, 63 Stat. 17.)

**§ 493. Authorization of appropriations**

There is authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to carry out the purposes of this chapter, and when so specified in an appropriation Act such amounts shall remain available until expended.

(Mar. 30, 1949, ch. 41, § 3, 63 Stat. 18.)

**§ 494. Supervision and control of project**

The provisions of this chapter shall be subject to the duties and authority of the Secretary of Defense and the departments and agencies of the Department of Defense as provided in the National Security Act of 1947.

(Mar. 30, 1949, ch. 41, § 4, 63 Stat. 18; Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591.)

**REFERENCES IN TEXT**

The National Security Act of 1947, referred to in text, is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 401 of this title and Tables.

**CHANGE OF NAME**

“Department of Defense” substituted in text for “National Military Establishment” on authority of act Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591.